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Attorneys Fogel Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Houston Specialty Insurance Company,
Plaintiff,

v.

Leah Rekowski; K.R. (a minor); C.R. (a
minor); Brandy White; B.B. (a minor);
N.B. (a minor); A.B. (a minor); Jason
Drew; Robert Dale Fogel; Mikal Fogel;
Carmelo Patino; Allied World Surplus
Lines Insurance Company; Endurance
American Insurance Company;
Hendrickson Truck Lines, Inc.; Regional
Fire & Rescue Department, Inc.; Travelers
Indemnity Company; National Interstate
Insurance; John Does I-X; Jane Does I-X;
ABC Corporations I-X

Defendants.

No. 2:23-cv-01187-JZB

ANSWER OF FOGEL DEFENDANTS

Defendants Robert Dale Fogel and Mikal Fogel (collectively “Fogel Defendants”),
by and through belowsigned counsel, hereby answer the Amended Complaint of Plaintiff
Houston Specialty Insurance Company (“HSIC”) as follows:

1. Answering this paragraph, Fogel Defendants lack sufficient information on
which to base an affirmation or denial, and therefore deny its contents.

1 2. Answering this paragraph, Fogel Defendants lack sufficient information on
2 which to base an affirmation or denial, and therefore deny its contents.

3 3. Answering this paragraph, Fogel Defendants lack sufficient information on
4 which to base an affirmation or denial, and therefore deny its contents.

5 4. Answering this paragraph, Fogel Defendants lack sufficient information on
6 which to base an affirmation or denial, and therefore deny its contents.

7 5. Answering this paragraph, Fogel Defendants lack sufficient information on
8 which to base an affirmation or denial, and therefore deny its contents.

9 6. Answering this paragraph, Fogel Defendants lack sufficient information on
10 which to base an affirmation or denial, and therefore deny its contents.

11 7. Answering this paragraph, Fogel Defendants lack sufficient information on
12 which to base an affirmation or denial, and therefore deny its contents.

13 8. Answering this paragraph, Fogel Defendants lack sufficient information on
14 which to base an affirmation or denial, and therefore deny its contents.

15 9. Denied. Fogel Defendants currently reside in Oklahoma.

16 10. Answering this paragraph, Fogel Defendants lack sufficient information on
17 which to base an affirmation or denial, and therefore deny its contents.

18 11. Answering this paragraph, Fogel Defendants lack sufficient information on
19 which to base an affirmation or denial, and therefore deny its contents.

20 12. Answering this paragraph, Fogel Defendants lack sufficient information on
21 which to base an affirmation or denial, and therefore deny its contents.

22 13. Fogel Defendants incorporate their prior responses as if fully set forth herein.

23 14. Answering this paragraph, Fogel Defendants lack sufficient information on
24 which to base an affirmation or denial, and therefore deny its contents. Fogel Defendants
25 do not object to the District Court's exercise of diversity jurisdiction over this case to the
26 extent the Court deems it appropriate.

1 15. To the extent jurisdiction is appropriately exercised, Defendants do not object
2 to the venue chosen.

3 16. Fogel Defendants incorporate their prior responses as if fully set forth herein.

4 17. Answering this paragraph, Fogel Defendants lack sufficient information on
5 which to base an affirmation or denial, and therefore deny its contents.

6 18. Admitted that the Policy covers the facts that are the subject of this Complaint.
7 Answering the remaining allegations of the paragraph, Fogel Defendants lack sufficient
8 information on which to base an affirmation or denial, and therefore deny its contents.

9 19. Answering this paragraph, Fogel Defendants lack sufficient information on
10 which to base an affirmation or denial, and therefore deny its contents.

11 20. Answering this paragraph, Fogel Defendants lack sufficient information on
12 which to base an affirmation or denial, and therefore deny its contents.

13 21. Answering this paragraph, Fogel Defendants lack sufficient information on
14 which to base an affirmation or denial, and therefore deny its contents.

15 22. Admitted that the Fogel Defendants suffered personal injuries as a result of
16 the Accident.

17 23. Admitted.

18 24. Answering this paragraph, Fogel Defendants lack sufficient information on
19 which to base an affirmation or denial, and therefore deny its contents.

20 25. Answering this paragraph, Fogel Defendants lack sufficient information on
21 which to base an affirmation or denial, and therefore deny its contents.

22 26. Answering this paragraph, Fogel Defendants lack sufficient information on
23 which to base an affirmation or denial, and therefore deny its contents.

24 27. Answering this paragraph, Fogel Defendants lack sufficient information on
25 which to base an affirmation or denial, and therefore deny its contents.

26

1 28. Answering this paragraph, Fogel Defendants lack sufficient information on
2 which to base an affirmation or denial, and therefore deny its contents. Fogel Defendants
3 specifically note that the medical expenses noted for them in Complaint may be inaccurate,
4 and that they are gathering and surveying their medical bills to determine the true and
5 correct sums to submit to the Court.

6 29. Answering this paragraph, Fogel Defendants lack sufficient information on
7 which to base an affirmation or denial, and therefore deny its contents.

8 30. Admitted.

9 31. Answering this paragraph, Fogel Defendants lack sufficient information on
10 which to base an affirmation or denial, and therefore deny its contents.

11 32. Admitted.

12 33. Admitted.

13 34. Admitted.

14 35. Answering this paragraph, Fogel Defendants lack sufficient information on
15 which to base an affirmation or denial, and therefore deny its contents.

16 36. Answering this paragraph, Fogel Defendants lack sufficient information on
17 which to base an affirmation or denial, and therefore deny its contents.

18 37. Answering this paragraph, Fogel Defendants lack sufficient information on
19 which to base an affirmation or denial, and therefore deny its contents.

20 38. Answering this paragraph, Fogel Defendants lack sufficient information on
21 which to base an affirmation or denial, and therefore deny its contents.

22 39. Answering this paragraph, Fogel Defendants lack sufficient information on
23 which to base an affirmation or denial, and therefore deny its contents.

24 40. Answering this paragraph, Fogel Defendants lack sufficient information on
25 which to base an affirmation or denial, and therefore deny its contents. Fogel Defendants
26

1 affirmatively state they have not colluded with HSIC or engaged in any fraud relating to
2 this case.

3 41. Answering this paragraph, Fogel Defendants lack sufficient information on
4 which to base an affirmation or denial, and therefore deny its contents.

5 42. Answering this paragraph, Fogel Defendants lack sufficient information on
6 which to base an affirmation or denial, and therefore deny its contents.

7 WHEREFORE Fogel Defendants pray for relief as follows:

8 A. For an award out of the interpleaded funds of all categories of damages the
9 Fogel Defendants suffered as a result of their injuries, including without limitation pain,
10 suffering, loss of enjoyment of life, medical expenses, lost income, and any other categories
11 of damages supported by the evidence in the case;

12 B. Costs as may equitably and justly be awarded under A.R.S. § 12-1840; and

13 C. For any other and further relief the Court deems just and proper.

14 **DATED** this 11th day of October, 2023

15
16 By /s/ Kyle Hallstrom

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Attorneys for Fogel Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF Registrants and by mailing the following:

Regional Fire & Rescue Department Inc.
c/o Steven W. Kerber, Fire Chief
7651 W. McCartney Rd.
Casa Grande, AZ 85194
Pro Per Defendant

/s/ Valerie Cochlin